

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

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IN RE

Case No. 18-02464 (BKT)

USBC '18 MAY 29 AM 10:53

OMAR DAVILA MEJIAS

Chapter 13

DEBTOR

**MOTION TO DISMISS PETITION FOR FAILURE TO PERFECT FILING**

TO THE HONORABLE COURT:

**COMES NOW DSO CREDITOR, JESSICA QUINTERO CARABALLO** *pro se* and respectfully prays as follows:

1. The chapter 13 voluntary petition was filed on **May 3, 2018**. The §341 Meeting of Creditors is scheduled in less than 8 days counting weekends, for **June 7, 2018**.
2. The petition filed did not include schedules, statements, and other required information so that creditors of this Estate can prepare for the §341 Meeting and become aware of the financial affairs and situation of this Debtor in a timely manner and avoid delays or continuances of the same.
3. As of today, **25 days** have elapsed and Debtor has not complied with Fed. R. Bankr. P. 1007(c), nor has a motion to extend the Rule 1007(c) 14-day deadline been filed by Debtor or on his behalf.

4. Rule 1007(c) of the Bankruptcy Code provides as follows:

*"...In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule."*

5. There is delay prejudicial to this creditor since she is the holder of a DSO claim and she and her children are being prejudiced by delay by this Debtor.
6. Appearing DSO creditor requests, that Debtor be ordered to notice her with all documentation to be sent to the Chapter 13 Trustee as required by §521 and by this District:

**"(e)(1) If the Debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the Debtor, then the court shall make such petition, such schedules, and such statement available to such creditor."**

**“(C)** If a creditor requests a copy of such tax return or such transcript and if the Debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the Debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the Debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the Debtor.”

7. A reduced notice period is requested since the §341 is near and more delay may be added to the already inordinate time Debtor has taken to complete the schedules and statements and avoid delay or continuance of the §341 Meeting of Creditors if the Court allows Debtor to cure the late filing of schedules and statements.

**WHEREFORE** it is respectfully requested from this Honorable Court to order the dismissal of this case without further notice for non-compliance with Rule 1007(c); order Debtor to notice DSO creditor with all documentation to be submitted to the Chapter 13 Trustee as required under §521 and in this District; and any such other remedy it may deem just and proper.

#### **NOTICE OF RESPONSE TIME**

Within three (3) days after service as evidenced by the certification, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

#### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date I electronically filed the present document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to: Jose Ramon Carrion Morales, Chapter 13 Trustee; Carlos A. Ruiz Rodriguez attorney for Debtor; Jose Sanchez Velez, attorney for Banco Popular de PR& to A.U.S.T. Monsita Lecaroz Arribas, U.S. Trustee. A copy has also been mailed to the Debtor at: Las Haciendas 15057, Calle Cuatro Camino, Canovanas, PR 00729

**I ALSO CERTIFY** that I have mailed thru the United States Postal Service an exact copy of the present document to the non-CM/ECF participants as per Creditors Matrix herein attached

In Caguas, Puerto Rico, this 28<sup>th</sup> day of May, 2018.

  
**/S/JESSICA QUINTERO CARABALLO**  
**PRO SE**

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Label Matrix for local noticing  
0104-3  
Case 18-02464-BKT13  
District of Puerto Rico  
Old San Juan  
Mon May 28 14:11:34 AST 2018

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Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

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End of Label Matrix  
Mailable recipients 20  
Bypassed recipients 0  
Total 20